

AMENDED IN SENATE JANUARY 19, 2006

AMENDED IN SENATE SEPTEMBER 7, 2005

AMENDED IN SENATE AUGUST 23, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1759

Introduced by Assembly Member ~~Klehs~~ *Umberg*
(~~Coauthors: Assembly Members Koretz and Pavley~~)
(~~Coauthors: Senators Romero and Torlakson~~)

March 15, 2005

An act to add Section ~~12000.5~~ to the Elections Code, relating to elections ~~84204.5~~ to the Government Code, relating to the Political Reform Act of 1974, and calling a special election to be consolidated with the statewide primary election of June 6, 2006, to take effect immediately as an act calling an election.

LEGISLATIVE COUNSEL'S DIGEST

AB 1759, as amended, ~~Klehs~~ *Umberg*. ~~Elections: statewide special elections; Governor Campaign expenditure disclosures.~~

~~Existing provisions of the California Constitution authorize the Governor to call a statewide special election for one or more initiative measures that have qualified for the ballot.~~

~~This bill would specify that the Governor may, by proclamation, rescind a call for a statewide special election any time prior to the date of that election. The bill would state the finding of the Legislature that this provision is declaratory of the existing authority of the Governor under the California Constitution.~~

~~(1) Existing provisions of the Political Reform Act of 1974 require committees receiving or making contributions or expenditures above~~

specified threshold amounts to report those contributions and expenditures, as well as other specified information, at times and places specified in the act. The act requires certain of these committees, by virtue of receiving or making contributions or expenditures above generally higher threshold amounts, to file the reports required by the act online or electronically. Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would require committees that receive contributions totaling more than \$1,000 in a calendar year and that are required under existing law to file online or electronically to also file a report online or electronically disclosing contributions or independent expenditures totaling \$5,000 or more to support or oppose the qualification or passage of a single state ballot measure, and disclosing other specified information, within 10 business days of making the contributions or independent expenditures. The bill would specify that reports required by this provision are not required to be filed by a committee primarily formed to support or oppose the qualification or passage of a state ballot measure for expenditures made on behalf of the ballot measure or measures for which it is formed. It would also exempt from disclosure pursuant to these provisions independent expenditures disclosed pursuant to other specified provisions.

(2) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act by a statute that becomes effective only when approved by the electors or, alternatively, by a bill that furthers the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would call a special election to be consolidated with the June 6, 2006, statewide primary election and would require the Secretary of State to submit its provisions for approval to the voters at that election.

(3) This bill would go into immediate effect as an act that calls an election.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 12000.5 is added to the Elections Code,~~
2 ~~to read:~~

3 ~~12000.5. When, pursuant to subdivision (c) of Section 8 of~~
4 ~~Article II of the California Constitution, the Governor has called~~
5 ~~a statewide special election for one or more initiative measures,~~
6 ~~the Governor may thereafter issue a proclamation rescinding the~~
7 ~~call for that statewide special election at any time prior to the~~
8 ~~date of that election.~~

9 ~~SEC. 2. The Legislature finds and declares that this act is~~
10 ~~declaratory of the existing authority of the Governor under~~
11 ~~subdivision (c) of Section 8 of Article II of the California~~
12 ~~Constitution.~~

13 ~~SECTION 1. Section 84204.5 is added to the Government~~
14 ~~Code, to read:~~

15 ~~84204.5. (a) In addition to any other report required by this~~
16 ~~title, a committee pursuant to subdivision (a) of Section 82013~~
17 ~~that is required to file reports pursuant to Section 84605 shall~~
18 ~~file online or electronically with the Secretary of State each time~~
19 ~~it makes contributions totaling five thousand dollars (\$5,000) or~~
20 ~~more or each time it makes independent expenditures totaling~~
21 ~~five thousand dollars (\$5,000) or more to support or oppose the~~
22 ~~qualification or passage of a single state ballot measure. The~~
23 ~~report shall be filed within 10 business days of making the~~
24 ~~contributions or independent expenditures and shall contain all~~
25 ~~of the following:~~

26 ~~(1) The full name, street address, and identification number of~~
27 ~~the committee.~~

28 ~~(2) The number or letter of the measure if the measure has~~
29 ~~qualified for the ballot and has been assigned a number or letter;~~
30 ~~the title of the measure if the measure has not been assigned a~~
31 ~~number or letter but has been issued a title by the Attorney~~
32 ~~General; or the subject of the measure if the measure has not~~
33 ~~been assigned a number or letter and has not been issued a title~~
34 ~~by the Attorney General.~~

35 ~~(3) In the case of a contribution, the date and amount of the~~
36 ~~contribution and the name, address, and identification number of~~
37 ~~the committee to whom the contribution was made. In addition,~~
38 ~~the report shall include the information required by paragraphs~~

(1) to (5), inclusive, of subdivision (f) of Section 84211, regarding contributions or loans received from a person described in that subdivision, covering the period from the day after the closing date of the last campaign report filed to the date of the contribution requiring a report under this section, or if the committee has not previously filed a campaign statement, covering the period from the previous January 1 to the date of the contribution requiring a report under this section. No information described in paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211 that is required to be reported pursuant to this subdivision is required to be reported in more than one report provided for in this subdivision for each contribution or loan received from a person described in subdivision (f) of Section 84211.

(4) In the case of an independent expenditure, the date, amount, and a description of the goods or services for which the expenditure was made. In addition, the report shall include the information required by paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211 regarding contributions or loans received from a person described in that subdivision, covering the period from the day after the closing date of the last campaign report filed to the date of the expenditure, or if the committee has not previously filed a campaign statement, covering the period from the previous January 1 to the date of the expenditure. No information described in paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211 that is required to be reported pursuant to this subdivision is required to be reported in more than one report provided for in this subdivision for each contribution or loan received from a person described in subdivision (f) of Section 84211.

(b) Reports required by this section are not required to be filed by a committee primarily formed to support or oppose the qualification or passage of a state ballot measure for expenditures made on behalf of the ballot measure or measures for which it is formed.

(c) Independent expenditures that have been disclosed by a committee pursuant to Section 84204 or 85500 are not required to be disclosed pursuant to this section.

SEC. 2. (a) A special election is hereby called to be held throughout the state on June 6, 2006. The election shall be

1 consolidated with the statewide primary election to be held on
2 that date. The consolidated election shall be held and conducted
3 in all respects as if there were only one election and only one
4 form of ballot shall be used.

5 (b) Notwithstanding Section 9040 of the Elections Code or any
6 other provision of law, the Secretary of State, pursuant to
7 subdivision (b) of Section 81012 of the Government Code shall
8 submit this act for approval to the voters at the June 6, 2006,
9 statewide primary election.

10 SEC. 3. This is an act calling an election pursuant to
11 paragraph (3) of subdivision (c) of Section 8 of Article IV of the
12 California Constitution, and shall take effect immediately.